

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) RICHARD LYNN DOPP,

Plaintiff,

v.

(1) BUDDY HONAKER,  
(2) JOEL McCURDY,  
(3) JEFFREY TROUTT,  
(4) BOB THOMPSON,  
(5) SHIRLEY MAY,  
(6) MARK KNUTSON, and  
(7) TRACY McCOLLUM,

Defendants.

**Case No: CIV-17-816-M**

**(Removed from Beckham  
County Court Case No. CJ-17-  
91)**

**NOTICE AND PETITION OF REMOVAL**

Defendants, Buddy Honaker, Mark Knutson, Shirley May, Tracy McCollum, Joel McCurdy and Jeffrey Troutt, hereby give notice of their removal of the action currently pending in the District Court of Beckham County, State of Oklahoma, pursuant to 28 U.S.C. § 1441 *et seq.*, 28 U.S.C. § 1367 and Fed. R. Civ. P. 81(c), and expressly reserve all defenses including, but not limited to, any applicable qualified immunity, Eleventh Amendment and/or sovereign immunity to which they may be entitled. All Defendants are represented by the same undersigned counsel. In support of this Notice and Petition of Removal, Defendants show the Court as follows:

1. On June 26, 2017, the captioned proceeding was originally filed in the District Court of Beckham County, State of Oklahoma, and was styled *Richard Lynn Dopp v. Buddy Honaker, Joel McCurdy, Jeffrey Troutt, Bob Thompson, Shirley May, Mark Knutson, Tracy McCollum*, Case No. CJ-2017-91.

2. Defendants were served via certified mail from the Court Clerk on July 21, 2017

3. The Petition claims, in part, violations of Plaintiff's constitutional rights under 42 U.S.C. § 1983. *See Petition*, attached as Exhibit 1. Specifically, Plaintiff states that he was denied due process of law and deliberate indifference to his serious medical needs—all of which rights are contained in or incorporated through the Eighth and Fourteenth Amendments to the United States Constitution. Therefore, jurisdiction in this Court is proper under 28 U.S.C. § 1331 based on its original jurisdiction.

4. The United States District Court for the Western District of Oklahoma has original subject matter jurisdiction over this case's claims pursuant to 28 U.S.C. §§ 1331, (federal question). This Court also has supplemental jurisdiction over this case's claims pursuant to 28 U.S.C. § 1367. Removal to the Western District is proper pursuant to 28 U.S.C. § 1441(a).

5. In accordance with 28 U.S.C. § 1446 and LCvR81.2, a copy is attached of the following: *Plaintiff's Petition*, as Exhibit 1; *State Court Docket Sheet* printed from www.oscn.net, as Exhibit 2, *Plaintiff's Motion Requesting Attorney General be Disqualified from Representing ODOC/NFCC Defendants*, attached as Exhibit 3.

6. This removal is timely in that Defendants received a copy of the State court Petition on or about July 21, 2017, and this Notice of Removal is filed in this Court within thirty (30) days of such date.

WHEREFORE, Buddy Honaker, Mark Knutson, Shirley May, Tracy

McCollum, Joel McCurdy and Jeffrey Troutt, respectfully request that this action be removed from the District Court of Beckham County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma, and for such other and further relief as the Court deems proper under the circumstances.

Respectfully submitted,

/s/Lexie P. O'Brien

**LEXIE P. O'BRIEN, OBA#31414**

Assistant Attorney General

Oklahoma Attorney General's Office

Litigation Division

313 NE 21<sup>st</sup> Street

Oklahoma City, OK 73105

Telephone: (405) 521-3921

Facsimile: (405) 521-4518

Email: lexie.o'brien@oag.ok.gov

*Attorney for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 31st day of July 2017, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System and via U.S. Mail, postage prepaid to the following who is not an ECF registrant:

Richard Lynn Dopp #126054

NFCC

1605 E. Main

Sayre, OK 73662

*Plaintiff Pro se*

/s/Lexie P. O'Brien

Lexie P. O'Brien